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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/751,434	01/06/2004	Toshiomi Moriki	NITT.0170	3925				
<div>7590 08/17/2007</div> <div>Stanley P. Fisher Reed Smith LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042-4503</div> <div>EXAMINER MAUNG, ZARNI</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>2151</td><td></td></tr></tbody></table> <div>MAIL DATE DELIVERY MODE</div> <div>08/17/2007 PAPER</div>					ART UNIT	PAPER NUMBER	2151	
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2151								

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/751,434	Applicant(s) MORIKI ET AL.	
	Examiner Zarni Maung	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the application filed on January 6, 2004. Claims 1-22 are presented for further examination.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholl et al, U.S. Patent Number 6,145,001 (hereinafter Scholl).

Scholl discloses a network resource monitoring method and system with an independent central processing unit (CPU) (see abstract). Scholl discloses the invention as claimed. Taking claim 1 as an exemplary claim, Scholl teaches a method for resource accounting on a computer network (fig 3. networks 1-n) which collects resources used by a server (3) of a computer system, wherein the computer system has an accounting server (see network management gateway 5 with MIB 14) to collect server resources used by said server, said server and said accounting server are connected to each other over a network (see network in fig 3), and said server includes a CPU to initiate an OS or application software and a control unit to perform processing independent of said CPU (see monitoring system 1, 2; col. 4 line 65 to col. 5, line 5, a standard network management station which is independent of the system being managed), said method comprising the steps of: registering information on a user who

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uses said server (see col. 5, lines 45-65, col. 6, lines 47-54); allowing said registered user to use a resource of the server by initiating an OS or application software; allowing said control unit to communicate with the OS or said application software that is operating on said CPU; allowing said control unit to acquire the information on the user who used said server resource and resource information used including an amount of server resource used by the user through said communication (see column 9, lines 15-21, performance and resource management, accounting management); allowing said control unit to transmit said acquired resource information used to said accounting server; and allowing said accounting server to receive said resource information used and account the information on a user basis. (see fig. 3, column 5, line 145 to col. 6, line 46, col. 7, MIB 14)

3. As per claim 2, Scholl discloses a method for resource accounting on a computer network according to claim 1, wherein, said step of registering information on a user includes processing to set a global user ID to uniquely identify the user in the computer system, designate a server to be used by the user in the computer system according to a unique server ID and set a local user ID to uniquely identify the user in the computer system (see web station 1 connected to server 3, user ID is inherently presented when web station 1 with interface 2 connects to the server 3 and gateway 5 using CGI); said step of allowing said control unit to transmit said resource information used to said accounting server includes processing in which the local user ID associating with the user and the server ID associating with the server are transmitted as information to uniquely identify said user; and said step of allowing said accounting server to receive

said resource information used and account the information on a user basis includes processing to identify said global user ID associating with the user based on said local user ID and said server ID received, and account the amount of said server resource used on the identified global user ID basis (see col. 5, line 59 to col. 6, line 65, web station 1, MIB 14 col. 9, lines 10-31).

4. As per claim 3, Scholl discloses a method for resource accounting on a computer network according to claim 2, wherein a user ID that is managed by the OS operating on said server is used as said local user ID (see web station 3 connected to server 3 with OS; see col., 8, lines 30-50 for different types of OS; user ID is inherently presented when the web station 1 with interface 2 connects to the server 3 and gateway 5 using CGI).

5. As per claim 4, Scholl discloses a method for resource accounting on a computer network according to claim 2, wherein said OS or said application software authenticates said user, initiates execution of a thread based on a request by the user, acquires server resource information used by each of the thread, and transmits the server resource information acquired to said control unit on the local user ID basis (see web station 3 connected to server 3 with OS; see col., 8, lines 30-50 for different types of OS; user ID is inherently presented when the web station 1 with interface 2 connects to the server 3 and gateway 5 using CGI).

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6. As per claim 5, Scholl discloses a method for resource accounting on a computer network according to claim 1, further comprising the step of allowing said accounting server to request said control unit to transmit said resource information used thereto (see col. 6, lines 47-54, connection between station 1, server 3, 5 and MIB 14).

As per claim 6, Scholl discloses a method for resource accounting on a computer network according to claim 5, wherein the step of allowing said accounting server to request said control unit to transmit said resource information used thereto includes processing of adding information to designate a user from whom said resource information used is to be acquired to a transmission request of said resource information used and transmitting the transmission request to said network by means of a broadcast; and the step of allowing said server to transmit said resource information used to said accounting server includes processing in which, if said server retains the resource information of the user from whom said resource information used is to be acquired, only the resource information used of the user is selectively transmitted, and if said server does not retain the resource information of the user from whom said resource information used is to be acquired, then information showing the server does not retain the resource information used of the user is transmitted (see figure 3, column 5, line 45 to col. 6, line 53; col. 6, lines 47-54, connection between station 1, server 3, 5 and MIB 14).

7. As per claim 7, Scholl discloses a method for resource accounting on a computer network according to claim 1, wherein, in the step of registering information on a user

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who uses said server, a registration is made by utilizing a graphical user interface (GUI) (see column 5, lines 46-48, the GUI in station 1).

8. As per claim 8, Scholl discloses a system for resource accounting on a computer network which accounts resource used by a server of a computer system, wherein the computer system has an accounting server to collect server resources used by said server, said server and said accounting server are connected to each other over a network, and said server includes a CPU to initiate an OS or application software and a control unit to perform processing independent of said CPU; wherein said server includes means for registering a user who uses said server, and means for recording, on a user basis, an amount of server resource used by the registered user by initiating the OS or the application software; wherein said control unit including means making communication with the OS or the application software operating on said CPU, and acquiring, through the communication, resource information used that includes user information of the user who used said server resource and an amount of server resource used by the user, and means for transmitting said acquired resource information used to said accounting server (5); and wherein said accounting server including means for receiving said resource information used from said control unit and accounting the information on a user basis (see web station 1 connected to server 3 with OS; see col., 8, lines 30-50 for different types of OS; the web station 1 with

interface 2 connected to the server 3 and gateway 5 using CGI; see col. 5, line 59 to col. 6, line 65, web station 1, MIB 14 col. 9, lines 10-31).

9. As per claim 9, Scholl discloses a system for resource accounting on a computer network according to claim 8, wherein, said OS or said application software comprises: a user authentication unit which authenticate said user; a thread execution initiation unit which initiates execution of a thread based on a request by the user; acquiring means for acquiring server resource information used by each of the thread; and transmission means for transmitting the acquired server resource information to said control unit (see web station 1 connected to server 3 with OS; see col., 8, lines 30-50 for different types of OS; the web station 1 with interface 2 connected to the server 3 and gateway 5 using CGI; see col. 5, line 59 to col. 6, line 65, web station 1, information in MIB 14 col. 9, lines 10-31).

10. As per claim 10, Scholl discloses a system for resource accounting on a computer network according to claim 8, wherein, when registering information on a user who uses said server, said accounting server executes the registration via said network (see web station 1 connected to server 3 with OS; see col., 8, lines 30-50 for different types of OS; the web station 1 with interface 2 connected to the server 3 and gateway 5 using CGI; see col. 5, line 59 to col. 6, line 65, web station 1, information in MIB 14 col. 9, lines 10-31).

11. As per claims 11-22, they do not teach or further define over the limitations recited in claims 1-10 above. Therefore, claims 11-22 are also rejected for the similar reasons set forth in claim 1-10, supra.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Federated multiprotocol communication by Dowling U.S. Patent Number 7,035,932.

b) Managing user information on an E-commerce system by Underwood, U.S. Patent Number 7,100,195.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 6:30 to 3:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished

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application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free)).

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ZARNI MAUNG
PRIMARY EXAMINER